

BEFORE THE TAX COMMISSION OF THE STATE OF IDAHO

In the Matter of the Protest of)	
)	DOCKET NO. 16809
[REDACTED],)	
)	DECISION
Petitioner.)	
_____)	

On June 14, 2002, the Tax Discovery Bureau (Bureau) of the Idaho State Tax Commission issued a Notice of Deficiency Determination to [Redacted]. (taxpayer), proposing income tax, penalty, and interest for taxable years 1997 through 2000 in the total amount of \$6,292.

The taxpayer filed a timely appeal. He did not request a hearing and did not submit additional information. Therefore, the Tax Commission, having reviewed the file, hereby issues its decision based upon the information contained in the file.

On February 15, 2002, the Tax Commission received a letter and an executed Power of Attorney form from the taxpayer's representative. The letter said, although the taxpayer had not received any correspondence from the Tax Commission, he was reviewing his tax records and anticipated filing Idaho returns, "... as soon as he has completed the review of those records."

The Bureau requested and received a transcript of the taxpayer's [Redacted] income records from [Redacted] The information was provided in accordance with Internal Revenue Code § 6103(d) and Idaho Code § 63-3077. The [Redacted] information indicated the taxpayer had not filed his [Redacted] returns for the years 1997 and 1998 but had filed [Redacted]for both 1999 and 2000.

The Bureau contacted the representative by telephone and letter in attempts to secure the missing returns. However, after missing several promised dates, the returns did not arrive.

Idaho Code § 63-3045 (1)(a) states:

63-3045. Notice of redetermination or deficiency -- Interest. (1) (a) If, in the case of any taxpayer, the state tax commission determines that there is a deficiency in respect of the tax imposed by this title, the state tax commission shall, immediately upon discovery thereof, send notice of such deficiency to the taxpayer by registered or certified mail or by other commercial delivery service providing proof of delivery, whichever is the most cost efficient. The notice shall be sent to the taxpayer's last address known to the state tax commission. The notice of deficiency shall be accompanied by an explanation of the specific reason for the determination and an explanation of the taxpayer's right to appeal. Within sixty-three (63) days after such notice is mailed, the taxpayer may, at his option, file a protest in writing with the state tax commission and obtain redetermination of the deficiency.

The Bureau issued a Notice of Deficiency Determination. In response to the deficiency notice, the taxpayer filed a protest. Again, the letter said the taxpayer was preparing the returns, which would be forwarded to the Tax Commission upon completion.

The Bureau granted a further delay. However, after a period of time without any further information from either the taxpayer or his representative, the taxpayer's file was transferred to the Legal/Tax Policy Division for administrative review.

In response to a letter to the taxpayer advising him of his appeal rights, the representative sent an e-mail message asking for a delay until January 15, 2003. That delay and one additional delay were granted. However, the returns have not been submitted.

Idaho Code § 63-3030 explains the income tax act:

63-3030. Persons required to make returns of income. (a) Returns with respect to taxes measured by income in this chapter shall be made by the following:

- (1) Every resident individual required to file a federal return under section 6012(a)(1) of the Internal Revenue Code.
- (2) Any nonresident individual having for the current taxable year a gross income from Idaho sources in excess of two thousand five hundred dollars (\$2,500), or any part-year resident individual having for the current taxable year a gross income from all sources while

domiciled in or residing in Idaho, and from Idaho sources while not domiciled in and not residing in Idaho, which in total are in excess of two thousand five hundred dollars (\$2,500);

The taxpayer met the requirements for filing Idaho income tax returns for 1997 through 2000. Yet, he has not filed Idaho returns for any of the years. Nothing has been submitted that would cast doubt on the Bureau's determination, which was calculated after considering the taxpayer's income information reported [Redacted] and the records retained by the Tax Commission. The penalty and interest additions were calculated in conformity with Idaho Code §§ 63-3045 and 63-3046.

A Notice of Deficiency Determination issued by the Idaho State Tax Commission is presumed to be accurate. Parsons v. Idaho State Tax Com'n, 110 Idaho 572 (Ct. App. 1986). Having presented no information in support of his argument, the taxpayer has failed to meet his burden of proving error on the part of the deficiency determination. Albertson's, Inc. v. State, Dept. of Revenue, 106 Idaho 810 (1984).

WHEREFORE, the Notice of Deficiency Determination dated June 14, 2002, is hereby APPROVED, AFFIRMED, and MADE FINAL.

IT IS ORDERED and THIS DOES ORDER that the taxpayer pay the following tax, penalty, and interest.

<u>YEAR</u>	<u>TAX</u>	<u>PENALTY</u>	<u>INTEREST</u>	<u>TOTAL</u>
1997	\$ 931	\$233	\$342	\$1,506
1998	1,898	475	551	2,924
1999	652	163	142	957
2000	765	191	105	<u>1,061</u>
			TOTAL DUE	<u>\$6,448</u>

Interest is computed through March 15, 2003.

DEMAND for immediate payment of the foregoing amount is hereby made and given.

An explanation of taxpayer's right to appeal this decision is enclosed with this decision.

DATED this _____ day of _____, 2003.

IDAHO STATE TAX COMMISSION

COMMISSIONER

CERTIFICATE OF SERVICE

I hereby certify that I have on this _____ day of _____, 2003, served a copy of the within and foregoing DECISION by sending the same by United States mail, postage prepaid, in an envelope addressed to:

[Redacted]
